

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL HICKSON,

Plaintiff,

v.

**PECO ENERGY COMPANY, *et al.*,
Defendants.**

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**Civil Action
No. 25-2980**

ORDER

AND NOW, this _____ day of _____, 2025, upon consideration of the Motion of Defendants Jim Kenney and Successor (“City Defendants”) for an extension of time to answer or otherwise respond to Plaintiff’s Complaint, it is hereby **ORDERED** that the Motion is **GRANTED** and that City Defendants shall file any response to Plaintiff’s Complaint by no later than October 3, 2025.

BY THE COURT:

Gerald A. McHugh, J.

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**CITY DEFENDANTS' MOTION FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE RESPOND TO COMPLAINT**

Defendants Jim Kenney and Successor ("City Defendants"), by and through the undersigned counsel, respectfully request that City Defendants deadline to respond to the Complaint filed by Plaintiff Michael Hickson, be extended to October 3, 2025. In support of this Motion, City Defendants submit the attached memorandum of law.

Respectfully submitted,

CITY OF PHILADELPHIA LAW DEPARTMENT
RENEE GARCIA, CITY SOLICITOR

Date: July 23, 2025

/s/ Michael Pfautz

Michael Pfautz, Deputy City Solicitor

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Counsel for City Defendants

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No. 25-2980**

**MEMORANDUM OF LAW IN SUPPORT OF THE MOTION FOR EXTENSION OF
RESPONSIVE PLEADING DEADLINE BY CITY DEFENDANTS**

Defendants Jim Kenney & Successor (“City Defendants”) by and through undersigned counsel, respectfully submit this Memorandum of Law in support of their Motion.

I. INTRODUCTION & PROCEDURAL BACKGROUND

Plaintiff Michael Hickson, who is proceeding *pro se*, commenced this civil action under 42 U.S.C. § 1983 by filing his Complaint on June 9, 2025 against various public and private entities and individuals asserting seven causes of action. Compl. (ECF No. 1). City Defendants were served on July 7, 2025. (ECF No. 5). Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), the City Defendants’ responsive pleading is due July 28, 2025.

On July 22, 2025, Defendants Pennsylvania Public Utility Commission (“PUC”) and Chairman of the PUC, Gladys Brown Dutrieville, (collectively, the “PUC Defendants”) requested a twenty-one (21) day extension to respond to the Complaint. (ECF No. 7). On July 23, 2025, Defendants PECO Energy Company (“PECO”), Exelon Corporation, Exelon Foundation, RockCreek Group and Community Impact Capital Fund, Patrick Noonan, and Natural Lands² (collectively, the “PECO Defendants”) requested a sixty (60) day extension of time to respond to the Complaint, until October 3, 2025. (ECF No. 9)

Given breadth of the claims asserted in the Complaint against Defendants generally and for the sake of efficiency, the City Defendants respectfully request the Court extend their deadline to answer, move, or otherwise respond to the Complaint, through and including October 3, 2025 to align with the extension sought by the PECO Defendants.

II. ARGUMENT

A court has the authority under the Federal Rules of Civil Procedure, for good cause, to extend the time for any party to respond to a pleading. Fed. R. Civ. P. 6(b). Here, there is good cause to extend the time for City Defendants to respond to Plaintiff's Complaint because aligning deadlines and providing additional time would streamline any motion practice and responsive pleadings.

First, to the extent Plaintiff's claims name Defendant Kenney, the former Mayor of the City of Philadelphia, and his successor Mayor Charelle Parker, in their official capacities, *see* Compl. (ECF No. 1) ¶ 11, those claims are equivalent to suits against the City itself. *See, e.g., Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985) (explaining that official capacity suits "represent only another way of pleading an action against an entity of which an officer is an agent" and that such suits, "in all respects other than name, are to be treated as a suit against the entity). The City is represented by government counsel and seeks to efficiently deliver services to minimize taxpayer burden by avoiding duplicative briefing of common defenses by the parties. Second, undersigned counsel has not yet received formal agreement from former Mayor Kenney to represent him in his individual capacity, and additional time would allow counsel to represent all City Defendants and further streamline proceedings. And extending the City Defendants deadline to October 3, 2025 would not prejudice Plaintiff.

III. CONCLUSION

For the above reasons, the City Defendants respectfully request that this Court extend their deadlines to answer, move or otherwise respond to Plaintiff's Complaint to October 3, 2025.

Respectfully submitted,

CITY OF PHILADELPHIA LAW DEPARTMENT
RENEE GARCIA, CITY SOLICITOR

Date: July 23, 2025

/s/ Michael Pfautz
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Counsel for City Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on the date set forth below, I served a true and correct copy of the foregoing upon all counsel of record via ECF system, and caused to be mailed to the following via U.S. Mail:

MICHAEL HICKSON
6604 N. 12TH STREET
PHILADELPHIA, PA 19126
Plaintiff pro se

BY: /s/ Michael Pfautz
Deputy City Solicitor

Dated: July 23, 2025